



Legislative Research Council

MINUTES

State-Tribal Relations Committee

Senator Troy Heinert, Chair
Representative Shawn Bordeaux, Vice Chair

Second Meeting
2015 Interim

Room 413, State Capitol
Pierre, South Dakota

Wednesday, July 8, 2015

The second meeting of the State-Tribal Relations Committee for the 2015 interim was called to order by **Senator Troy Heinert**, at 10:10 a.m. in room 413 of the State Capitol in Pierre.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Troy Heinert, Betty Olson, Ernie Otten, and Craig Tieszen; and Representatives Shawn Bordeaux and Elizabeth May. Excused: Representatives Steve Hickey, Kevin Killer, and Lee Qualm.

Staff members present were Amanda Jacobs, Research Analyst; Stephanie Gruba, Fiscal Analyst; and Cindy Tryon, Senior Secretary.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC).

An opening prayer was offered by Mr. Denver American Horse.

Approval of Minutes

A MOTION WAS MADE BY SENATOR BRADFORD, SECONDED BY SENATOR OTTEN, THAT THE MINUTES OF THE APRIL 23, 2015, MEETING BE APPROVED. The motion prevailed on a voice vote.

Secretary of State Shantel Krebs

Ms. Shantel Krebs, Secretary of State, explained the Uniform Commercial Code (UCC) standards and how the Secretary of State's office works with the tribes in adopting their own UCC standards. The Secretary of State's office holds all the UCC filings from across the state and lending institutions rely on that office to obtain the information needed when granting a loan to a business.

The Secretary of State's office oversees more than 18,000 transactions a year and over 400 of those are for businesses registered through either the Oglala Sioux Tribe or Cheyenne River Sioux Tribe's UCC standards. Those are the only two tribes that have agreements with the Secretary of State's office at this time. The Secretary of State is working with several of the other tribes to help them develop their own uniform commercial code standards. Secretary Krebs thanked Mr. Emery, Secretary of the Department of Tribal Relations, for his help with this process.

Senator Jim Bradford said that he knows these UCC filings protect the lenders, but wondered how do they benefit the business. Secretary Krebs explained that the lenders need that proof of collateral in order to approve a loan. Without that business having a UCC filing, the lender most often cannot complete the lending process.

Representative Shawn Bordeaux asked about the Memorandums of Understanding (MOU) between the Tribes and the State that establish these UCC agreements. Secretary Krebs said that the MOU is drafted by the Tribe and can include whatever exemptions with which the Tribe is comfortable. The MOUs are available for the lender to read so that the lender is aware of any such exemptions. Secretary Krebs offered to provide samples of the existing MOUs, but added that they are available on the Secretary of State's website and can be looked at to assist other tribes in writing their standards and MOUs.

Mr. Bret Healy, Consultant, Four Directions, Inc., Chamberlain, said that Four Directions has been working for several years on enhancing voter participation on tribal land. Satellite polling stations are now available in several counties, including Dewey, Buffalo and Jackson. Mr. Healy thanked Secretary Krebs for her assistance in obtaining funding to make these satellite voting options available.

Denver American Horse

Mr. Denver American Horse, County Veterans Service Officer, Pine Ridge, presented a letter to the committee members regarding the additional \$10 fee paid when purchasing a special Veteran license plate (**Document #1**). Mr. American Horse requests in the letter that the additional fee paid for these plates be sent back to the Veterans Services Offices located in every county, to help better serve the veterans.

Mr. American Horse said that his annual budget is \$16,000 and that money is used to provide services such as travel to medical appointments for the veterans. According to Mr. American Horse, there are 3,969 veterans on the Pine Ridge Indian Reservation, 1,247 veterans on the Cheyenne River Indian Reservation, 1,200 veterans on the Standing Rock Indian Reservation, and 750 veterans on the Rosebud Indian Reservation. There are a total of 75,000 veterans in South Dakota.

Representative Elizabeth May asked if the Veterans Service Office keeps track of the young men and women who are serving or have served overseas from that area. Mr. American Horse said that they do have a current roster listing all the members of the Oglala Sioux Tribe who are on active duty and offered to get a copy of that list to Representative May.

Senator Heinert wondered where the \$10 special plate fee goes now. Mr. American Horse thought that all the license plate fees go back to the counties for roads and bridges.

Kim Easland, GOED

Ms. Kim Easland, Finance Director, Governor's Office of Economic Development, reported that they are working on several collaborative projects with the tribes and continue to work on finding ways to better partner with the tribes.

The Local Infrastructure Improvement Program which provides grants to assist in funding the construction or reconstruction of infrastructure for the purpose of economic development is available to the tribes as of July 1, 2015.

The Economic Development Partnership Program which provides matching grants to assist in funding equipment and training needs, new staff, or to elevate existing part-time staff, for the purpose of developing or expanding local and community development programs also became available to the tribes on July 1, 2015.

Ms. Easland also reported that they have been working on simplifying the loan application process. GOED does contract with the Local Planning Districts and they will assist in completing the loan applications. All counties except for five fall under a Local Planning District (**Document #2**). The reason some counties do not fall under a planning district is that they do not pay the planning district dues of which the minimum cost is around \$3,000. In response to Senator Heinert's question, Ms. Easland said that the tribes can pay those dues and become members of the Local Planning Districts.

All counties are covered by one of several Small Business Development Centers which help businesses get started (**Document #3**). Ms. Easland also distributed a map showing various regions and business contacts that can assist different types of businesses (**Document #4**).

Secretary Steve Emery, Department of Tribal Relations

Mr. Steve Emery, Secretary, Department of Tribal Relations, distributed a copy of the Department's July newsletter (**Document #5**).

Mr. Emery talked about some of the projects he has been working on including working with the Secretary of State and the tribes on the UCC program; assisting the Mayor of Pierre in regard to finding workers to fill the over 500 vacant jobs in Pierre by looking to the Crow Creek Sioux Tribe; attending the Tribal Economic Development Task Force meetings; 100 Governor's Houses that are going to the Oglala Sioux Tribe reservation, with 5 houses going to each District; working with federal partners to make sure the tribes know what economic development programs are available to them; and working with Game, Fish and Parks on resource management and conservation on the reservations.

One very serious issue Mr. Emery reported on is the work being done to battle the growing rate of youth suicide on the reservations. One tool they are looking at using is texting. The young people who consider suicide say they feel so alone and if they have someone always there through texting, it may help them by giving them someone to talk to.

Mr. Emery gave an update on the plans for the South Dakota Code Talkers Memorial, which will be placed on the Capitol grounds in Pierre and will cost approximately \$500,000.

Senator Betty Olson asked about a meeting regarding the memorial that was held in Watertown recently. Mr. Emery explained that a designer for the memorial was selected at the Watertown meeting.

In response to questions from Representative Bordeaux, Mr. Emery informed that committee on what has been happening with the SD Board on Geographic Names, which is responsible for changing the names of certain sites in South Dakota. Regarding changing the name of Harney Peak, the group received some resistance from people worried about tourism, and was told by the Federal government that to have a name change approved, the new name would have to be after a person. The group has to follow the guidelines set by the Federal agency overseeing site name changes and Mr. Emery was not sure if there is a waiting period before again attempting to change the name Harney Peak.

The group continues working to get all the offensive names changed, and most of those sites have been given new names. Senator Olson reported that a creek in her area was renamed many years ago to the Slim Buttes Creek, but no sign has ever been installed. Mr. Emery said he would look into that.

Vince Two Eagles

Mr. Vince Two Eagles, President, Wagner Area Horizons Team, Wagner, SD, distributed the brochure, *"it is the generous GIVING of ourselves that PRODUCES a bountiful HARVEST"* written and distributed by the Wagner Area Horizons Team, Inc. (**Document #6**).

Mr. Two Eagles is a member of the Yankton Sioux Tribe, and spoke to the committee as a representative of the Horizons organization, trying to impress upon the committee members the need for furthering the conversation regarding multi-cultural leadership. The Wagner Area Horizons Team (Horizons) is an organized non-profit organization with the mission to *"facilitate multi-cultural relationships where individuals experience reconciliation, nurture the capacity for culturally relevant leadership, and create mutual strategies that result in action for change. Three program initiatives include dialogue, trust, and leadership."*

The Horizons organization came about in 2008 when the Northwest Area Foundation was issuing \$10,000 grants to address poverty in South Dakota communities. A townhall meeting was held and they agreed that one of the major contributors to poverty is racism, so the community of Wagner and the surrounding area agreed that they would take on the challenge of addressing racism. The group also received a grant from the Bush Foundation to assist in continuing these endeavors.

Horizons is looking for ways to create opportunity for collaboration, ways to work together, and has conducted meetings, held structured conversation sessions, and has been responsible for a newspaper column that has been running for about eight years. The column, "The Rez of the Story" can be found in the Yankton Press and Dakotan, the Freeman Courier and several other newspapers.

The next step for Horizons is to conduct a conference in South Dakota regarding the issue of multi-cultural leadership. The basis for this topic comes from the book, "Salsa, Soul and Spirit" by Juana Bordas. The author would be invited to be the keynote speaker. Horizons wants to shift the way of thinking in South Dakota to include all cultures and how they view the world and this conference would be a big step towards accomplishing that. A committee of people from many different areas has been formed and they are hoping to have this conference in 2016.

Mr. Two Eagles responded to questions saying that they are trying to capacity build and that this conference cannot be a one-time band aid approach but must be an annual gathering of leadership from throughout the state. There are some things that may need to be left buried, in fact there has been discussion on conducting an actual "bury the hatchet" ceremony so that we no longer have to relive the conflicts. We all want the same things, security, safety, and opportunities. Mr. Two Eagles added that there are always 20% of the people against you, 20% with you, and it's the remaining 60% that they need to reach in order to be successful.

Mr. Two Eagles concluded his presentation by asking the committee for support in pulling this conference together.

Committee Discussion

The Wakpa Sica Reconciliation Place is eleven acres of trust land including a building located north of Fort Pierre on Highway 1806. The original intent of the building was to house a tribal supreme court and several other tribal organizations. While the space had not been used as a tribal supreme court, a few offices did operate from the building through 2012. A current Board of Directors is unknown and the previous board did not include representation from all tribes. No one has been officed in the building now for several years and it has fallen into disrepair. \$85,000 is still owed to Stanley County for infrastructure on the site.

Senator Ernie Otten said that he would like to see the blueprints for the building and get more detailed information on the condition of the building today. Mr. Emery said that Ms. Jessup would attempt to find that information and get it to the committee.

Representative Bordeaux suggested that an embassy in Pierre for the tribes to come together when working here would be a positive use for the building. Senator Bradford agreed with that suggestion, adding that it would be nice if Native Americans had a place to go to learn about housing and job opportunities when they move to this area. Mr. Emery said that to his knowledge, the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe have both shown interest in opening the building and naming it the Jandreau Building, after the late Lower Brule Sioux Tribe Chairman Mike Jandreau who did a great deal to support its operations.

Senator Craig Tieszen visited the site the evening before this meeting and commented that the area needs to be mowed and the building needs repairs adding that some may see it as a testament to the inability of the tribes to work together. If they can come together to turn the building into something useful, that would shed a positive light on the tribes.

Senator Heinert asked Mr. Emery to investigate this issue further and report back to the committee as to what can be done to find a use for the building.

Senator Otten said that he would like this committee to study the growing and distribution of marijuana on the Flandreau Santee Sioux Tribal land and learn what the other tribes are considering regarding this issue. Senator Tieszen asked that the Attorney General's office be asked to speak to the committee regarding the legal ramifications of this new tribal business endeavor.

Representative Bordeaux said that he would like to continue the discussion about the generation of reconciliation and would like to pursue Representative Hickey's idea of a reconciliation commission. A motion was passed at the last committee meeting to send a letter to the Governor requesting a reaffirmation of the year of reconciliation and asking that reconciliation be an ongoing focus of our state. Senator Heinert said that a letter will be drafted and sent to all the committee members for their approval before sending it to the Governor.

Representative May suggested contacting the new Mayor of Rapid City to meet with the committee regarding Rapid City's designation of 2015 as the Year of Reconciliation. Representative May added that the letter needs to go to all the Tribal Chairs/Presidents as well as the Governor.

Senator Otten added that the letter needs to point out exactly what is meant by reconciliation and include an end date, as well as needing to focus in on just a few points.

Representative Bordeaux talked about the truth and reconciliation commission that the committee had agreed would be a topic of study. Representative Bordeaux would like to serve on such a commission and suggested that the United Nations may be able to assist in developing this commission.

Senator Tieszen asked for more education and committee discussion on this topic before reaching out to the United Nations.

Representative Bordeaux said that the issue of race is driving South Dakota and other states are looking at the issue of race right now and South Dakota needs to do the same.

Senator Heinert asked the committee members to contact him with any additional thoughts they may have regarding the idea of establishing a truth and reconciliation commission.

Future Meeting Dates

The committee agreed that the next meeting date will be Tuesday, September 22, in Pierre, and a request for a fourth meeting will be submitted to the Executive Board. If that request is approved, a final meeting will be held the third week of December in Rapid City during the Lakota Nation Invitational.

Adjournment

SENATOR OLSON MOVED, SECONDED BY REPRESENTATIVE MAY, THAT THE STATE-TRIBAL RELATIONS COMMITTEE BE ADJOURNED. The motion prevailed unanimously on a voice vote.

The committee adjourned at 3:25 p.m.

This meeting was held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meetings to make further arrangements.

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